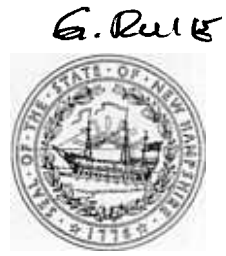




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456

March 10, 2003



**CERTIFIED MAIL**  
**7099 3400 0002 9774 1297**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 03-07**

Advanced Circuit Technology  
100 Northeastern Boulevard  
Nashua, New Hampshire 03062-1919

Attn Mr. Jack Nolan, Director of Operations

**Re: Advanced Circuit Technology**  
**Nashua, New Hampshire**  
**EPA ID # NHD081255788**

Dear Mr. Nolan

On March 13 & 21, 2002, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Advanced Circuit Technology (ACT). The purpose of the inspection was to determine ACT's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, DES issued Letter of Deficiency No. WMD 02-22 (LoD) to ACT on July 19, 2002. DES subsequently received ACT's response to the LoD on October 24, 2002. DES's review of your response revealed that not all of the deficiencies outlined in the LoD had been adequately addressed. Therefore, DES issued a November 13, 2002 follow-up letter as well as two (2) e-mails dated December 13 & 31, to address ACT's remaining deficiencies. Due to the fact that DES had not received additional compliance documentation from ACT following the December 31, 2002 e-mail, a follow-up inspection was conducted by DES on January 16, 2003.

As a result of the January 16, 2003 inspection, the following deficiencies in your hazardous waste management program were documented:

**Env-Wm 502.01 – Hazardous Waste Determination**

At the time of the January 16, 2003 follow-up inspection, no formal hazardous waste determination had been performed on the waste lamps generated at ACT. DES inspectors also confirmed that ACT disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that ACT test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. Analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that a waste determination may also be accomplished by ACT using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, ACT may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list to aid you with the determination. Also be apprised that in accordance with Env-Wm 1103.03, employees responsible for universal waste management must be informed of proper waste handling and emergency procedures appropriate to the management of universal waste lamps.

ACT will need to provide the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES.

2. Env-Wm 509.02(a)(2) – Personnel Training

During the January 16, 2003 follow-up inspection, ACT provided documentation of hazardous waste training (New Employee Safety Orientation Checklists- year 2002) for fourteen (14) employees responsible for hazardous waste management. On January 28, 2003, ACT also provided, via fax transmittal, an "ACT Hazardous Waste Training Summary" matrix to document personnel training for the year 2001. DES's review of the above-referenced documents revealed that five (5) employees currently employed at ACT did not receive initial hazardous waste training within six (6) months after the date of their employment. The specific employees are:

- (a) Simon Cote who was initially hired on 11/29/99 and trained on 5/10/02;
- (b) John Cook who was initially hired on 8/6/90 and trained on 5/10/02;
- (c) Gerrardo Figueroa who was initially hired on 2/15/01 and trained on 5/4/02;
- (d) Ruben Rios who was initially hired on 1/24/01 and trained on 5/4/02; and
- (e) Kevin Villegas who was initially hired on 3/26/01 and trained on 5/4/02.

Env-Wm 509.02 (a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that personnel responsible for hazardous waste management receive initial training within six (6) months after the date of their employment. Documents and records relating to personnel training must be maintained at the facility.

DES requests that ACT provide training for all employees responsible for hazardous waste management within six (6) months after the date of their employment in accordance with Env-Wm 509.02(a)(2) which references 40 CFR 265.16(b). Additionally, DES requests that ACT maintain training records on-site that more adequately document hazardous waste training. Recommended documentation includes a description of the training curriculum, the date each employee was trained, and the signatures of the trainee as well as the trainer. The aforementioned training documentation, along with the facility's training plan required by 40 CFR 265.16(d), provides a better mechanism for substantiating compliance with the New Hampshire's Hazardous Waste Rules. ACT will need to submit a description of its updated training program to DES.

3 Env-Wm 509.02(a)(5) – Contingency Plan

During the initial March 13 & 21, 2002 inspection, DES inspectors obtained a copy of the ACT facility contingency plan. Upon review of the plan, DES revealed specific deficiencies which were subsequently outlined in the July 19, 2002 LoD. During the January 16, 2003 follow-up inspection, Mr. Jack Burroughs provided an amended ACT contingency plan to substantiate compliance with the LoD. The following is a listing of the remaining elements that were not sufficiently addressed, and thus remain deficient in ACT's amended contingency plan.

- (a) The emergency coordinator's home address;
- (b) A brief outline of the capability of each emergency equipment item;
- (c) The specific information to provide to local authorities during an emergency (listed in 40 CFR 265.56(d)(2);
- (d) Provisions in the facility contingency plan to notify state and local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities;
- (e) The facility contingency plan did not list specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that ACT revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Contingency Plan Module. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide. ACT will need to submit its revised Contingency Plan to DES.

4 Env-Wm 512.01(a)(1) – Recordkeeping - Manifest Copy

At the time of the January 16, 2003 follow-up inspection, ACT did not have on file facility signed copies of Manifests No. MAM769357, dated 5/14/02; No. MAM759378, dated 9/10/02 and No. MAM182730, dated 9/17/02.

Env-Wm 512.01(a)(1) requires generators to keep on file, all manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

DES requests that ACT obtain a copy of these manifests signed by the designated facility and forward a copy to DES. DES also requests that manifest copies be retained for future shipments of hazardous waste.

*During a January 27, 2003 site visit, Mr. Jack Burroughs provided copies of the manifests referenced above. No further action is required*

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by ACT can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against ACT, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: RCRA/DB/LOD  
Phillip J. O'Brien, Ph.D., P.G., Director, WMD  
Gretchen Rule, Esq., Administrator, DES Legal Unit  
Sam Waldo, Corporate Environmental Director  
Jack Burroughs, Environmental Health & Safety Manager

E-mail: JJD/SD/SD/PM

Enclosed: Hazardous Waste Inspection Modules  
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management  
DES "Fluorescent Lamp and Ballast Recycling Facility" List  
DES "Suggested Outline for a Contingency Plan"